

## **Section 1. Title: The Food Allergen Labeling and Consumer Protection Act**

## **Section 2. Findings**

## **Section 3. Food Labeling**

- Require that food ingredient statements identify in everyday terminology that an ingredient is itself, or derived from, one of the eight major food allergens: peanuts, tree nuts (e.g. almonds, pecans, or walnuts), fish, (e.g. bass, flounder, or cod), Crustacean shellfish (e.g. crab, lobster, or shrimp), eggs, milk, soy, and wheat;
- Require this information to appear within the ingredient list in parentheses after an ingredient or in summary form at the end of, or adjacent to, the ingredient list;
- Require food ingredient statements to identify food allergens used in spices, natural or artificial flavorings, additives, and colorings;
- Require all foods to be so relabeled by January 1, 2006;
- Any person may petition the Secretary to exempt a food ingredient from the labeling requirements. The Secretary shall approve or deny such a petition within 180 days of receipt of the petition or the petition shall be deemed denied.

## **Section 4. Report on Food Allergens**

- Require a report to Congress which:
  - Analyzes the ways in which foods, during manufacturing and processing, can be unintentionally contaminated with major food allergens (cross-contact);
  - Estimates how common cross-contact occurs;
  - Advises whether good manufacturing practices or other methods can be used to reduce or eliminate cross-contact of foods with the major food allergens;
  - Describes the various types of advisory labeling (such as "may contain") used by food producers, the conditions of manufacturing that are associated with various types of advisory labeling, and the extent to which advisory labels are being used on food products;
  - Describes how consumers with food allergies or the caretakers of consumers with food allergies would prefer information about the risk of cross-contact be communicated on food labels;
  - States the number of inspections of food manufacturing and processing facilities conducted in the previous two years, describe the number of facilities and food labels that were found to be in compliance or out of compliance with respect to cross-contact of foods and the proper labeling of major food allergens, the nature of the violations, and the number of voluntary recalls; and
  - Assesses the extent to which the Secretary and the food industry have effectively addressed cross-contact issues.
- Require that the report be submitted 18 months after the date of enactment to the House Energy and Commerce Committee and the Senate Health, Education, Labor, and Pensions Committee.

**Section 5. Inspections Relating to Food Allergens**

- Require the Secretary of Health and Human Services to conduct inspections of facilities in which foods are manufactured, processed, packed, or held to ensure that they are complying with practices to avoid cross-contact and that food allergens are properly labeled.

**Section 6. Gluten Labeling**

- Require the Secretary of Health and Human Services, to issue a rule defining and permitting the use of the term "gluten-free" on food labeling.
- Require that the final rule be issued not later than four years after the date of enactment.

**Section 7. Improvement and Publication of Data on Food-Related Allergic Responses**

- Require the Centers for Disease Control to better track food-allergic-related deaths and other serious adverse events.
- Authorizes such sums as may be necessary.

**Section 8. Food Allergies Research**

- Direct the National Institutes of Health to convene a panel of experts to develop a plan for research activities concerning food allergies.
- Require that the panel's recommendations be submitted to the Secretary of health and Human Services one year after the date of enactment.

**Section 9. Food Allergens in the Food Code**

- Direct the Secretary of Health and Human Services to pursue revision of the Food Code to provide guidelines for preparing allergen-free foods in food establishments, including in restaurants, grocery store delicatessens and bakeries, and elementary and secondary school cafeterias.

**Section 10. Recommendations Regarding Responding to Food-Related Allergic Responses**

- Direct the Secretary of Health and Human Services to provide technical assistance relating to trauma care and emergency medical services on the use of different modes of treatment with respect to responding to allergic responses to foods.